

12 TESTIMONY AND EXPERT WITNESS QUALIFICATION	Page 1 of 6
TRAINING MANUAL: CASE APPROACH AND IDENTIFICATION OF BIOLOGICAL SUBSTANCES	Amendment Designator:
	Effective Date: 14-March-2006
<p>12 TESTIMONY AND EXPERT WITNESS QUALIFICATION</p> <p>12.1 GOALS</p> <p>12.1.1 To become skilled in expressing results and conclusions orally in a simple, clear, concise, and technically correct manner.</p> <p>12.1.2 To become adept at answering questions on all aspects of forensic serology based on education, training, knowledge, experience, and skill.</p> <p>12.1.3 To become familiar with legal terminology and criminal law procedures:</p> <p>12.1.3.1 Rules of evidence admissibility.</p> <p>12.1.3.2 Hearsay evidence admissibility.</p> <p>12.1.3.3 Public document evidence admissibility.</p> <p>12.1.3.4 Competency of an expert witness.</p> <p>12.1.3.5 Examination of an expert witness.</p> <p>12.1.3.6 Opinion evidence.</p> <p>12.1.3.7 Proof of chain of custody.</p> <p>12.1.3.8 Frye Rule.</p> <p>12.1.3.9 Daubert.</p> <p>12.1.3.10 Courtroom procedures.</p> <p>12.1.4 To become skilled in properly communicating with attorneys, judges, and juries.</p> <p>12.1.5 To become familiar with the use of testimony aids.</p> <p>12.2 TASKS</p> <p>12.2.1 Participate in mock trials/oral examinations with attendant practical examinations.</p> <p>12.2.1.1 The mini-mock trials will be conducted with increasing stages of formality and difficulty.</p> <p>12.2.1.2 Informal questioning will accompany small training blocks.</p> <p>12.2.1.3 A final, formal mock trial, based on analyses performed on a fabricated case, will be held at the culmination of the training period prior to the trainee beginning independent case approach and identification of biological substances analysis.</p> <p>12.2.2 Observe examiners testify when possible.</p>	

12 TESTIMONY AND EXPERT WITNESS QUALIFICATION	Page 2 of 6
TRAINING MANUAL: CASE APPROACH AND IDENTIFICATION OF BIOLOGICAL SUBSTANCES	Amendment Designator:
	Effective Date: 14-March-2006
<p data-bbox="258 300 862 331">12.2.3 Participate in at least one pretrial conference</p> <p data-bbox="258 367 915 399">12.2.4 Read applicable literature. Refer to Appendix A.</p> <p data-bbox="201 434 594 466">12.3 TRAINING EVALUATION</p> <p data-bbox="258 501 477 533">12.3.1 Knowledge</p> <p data-bbox="355 569 1182 600">12.3.1.1 Review of notes in training notebook by training coordinator.</p> <p data-bbox="355 636 821 667">12.3.1.2 Mock trials/oral examinations.</p> <p data-bbox="355 703 1029 735">12.3.1.3 Completion of checklist by training coordinator.</p> <p data-bbox="258 770 407 802">12.3.2 Skills</p> <p data-bbox="355 837 1520 900">12.3.2.1 Satisfactory performance as an expert witness in at least one formal, comprehensive mock trial.</p> <p data-bbox="355 936 1029 968">12.3.2.2 Completion of checklist by training coordinator.</p>	

12 TESTIMONY AND EXPERT WITNESS QUALIFICATION	Page 3 of 6
TRAINING MANUAL: CASE APPROACH AND IDENTIFICATION OF BIOLOGICAL SUBSTANCES	Amendment Designator:
	Effective Date: 14-March-2006
<p style="text-align: center;">TESTIMONY AND EXPERT WITNESS QUALIFICATION STUDY QUESTIONS</p> <ol style="list-style-type: none"> 1. What is the difference between quality assurance and quality control? 2. How is quality control maintained in your laboratory? 3. Name 3 quality control measures you take in the laboratory? 4. Explain the following: <ol style="list-style-type: none"> a. Rules of evidence admissibility. b. Hearsay evidence admissibility. c. Public document evidence admissibility. d. Competency of an expert witness. e. Examination of an expert witness. f. Opinion evidence. g. Proof of chain of custody. h. Frye Rule. i. Daubert. j. Courtroom procedures. 5. Qualifying a Body Fluids Expert as a Witness (taken from <u>Trial Technique Predicate Questions, Second Edition</u>, National District Attorneys Association, Alexandria, Virginia): <ol style="list-style-type: none"> a. Please state your name and address. b. What is your occupation? c. Where are you employed? d. How long have you been employed with <u>(name of agency/company)</u>? e. What are your specific responsibilities in your work? f. What is the extent of your training as a body fluids expert? g. How much of your time is now devoted to the study and examination of body fluids? h. Are you a member of any organizations related to your work? i. Which organizations? j. Have you authored any papers for either private circulation or publication relating to your field? k. What subjects did you write about? l. Were the papers you authored published? m. If privately circulated, among whom? n. Is your entire work devoted to your field, or do you have other duties? o. Have you ever testified as an expert on body fluids? p. In court or before administrative agencies? q. In what jurisdiction have you testified as an expert before? r. Approximately how many times? s. Would you explain to the jury the nature of the work you do? t. What body fluids do you analyze? u. What is the significance of the information you obtain as a result of this type of analysis? v. Explain tests used for analyzing blood, feces, urine, sperm, p30, and species origin. 	

12 TESTIMONY AND EXPERT WITNESS QUALIFICATION	Page 4 of 6
TRAINING MANUAL: CASE APPROACH AND IDENTIFICATION OF BIOLOGICAL SUBSTANCES	Amendment Designator:
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CHECKLIST FOR TESTIMONY AND EXPERT WITNESS QUALIFICATION

Name of Trainee: _____

1. Trainee is skilled in expressing results and conclusions orally in a simple, clear, concise, and technically correct manner.

Date: _____ Training Coordinator: _____

Comments: _____

2. Trainee is adept at answering questions on all aspects of forensic serology based on education, training, knowledge, experience, and skill.

Date: _____ Training Coordinator: _____

Comments: _____

3. Trainee is familiar with the following legal terminology and criminal law procedures:
 - a. Rules of evidence admissibility.

Date: _____ Training Coordinator: _____

Comments: _____

 - b. Hearsay evidence admissibility.

Date: _____ Training Coordinator: _____

Comments: _____

 - c. Public document evidence admissibility.

Date: _____ Training Coordinator: _____

Comments: _____

 - d. Competency of an expert witness.

Date: _____ Training Coordinator: _____

Comments: _____

 - e. Examination of an expert witness.

Date: _____ Training Coordinator: _____

12 TESTIMONY AND EXPERT WITNESS QUALIFICATION	Page 5 of 6
TRAINING MANUAL: CASE APPROACH AND IDENTIFICATION OF BIOLOGICAL SUBSTANCES	Amendment Designator:
	Effective Date: 14-March-2006

Comments:_____

f. Opinion evidence.

Date:_____ Training Coordinator:_____

Comments:_____

g. Proof of chain of custody.

Date:_____ Training Coordinator:_____

Comments:_____

h. Frye Rule.

Date:_____ Training Coordinator:_____

Comments:_____

i. Daubert.

Date:_____ Training Coordinator:_____

Comments:_____

j. Courtroom procedures.

Date:_____ Training Coordinator:_____

Comments:_____

4. Trainee is skilled in properly communicating with attorneys, judges, and juries.

Date:_____ Training Coordinator:_____

Comments:_____

5. Trainee is familiar with the use of testimony aids.

Date:_____ Training Coordinator:_____

Comments:_____

6. Trainee has observed qualified examiners testify.

Date:_____ Training Coordinator:_____

Comments:_____

12 TESTIMONY AND EXPERT WITNESS QUALIFICATION	Page 6 of 6	
TRAINING MANUAL: CASE APPROACH AND IDENTIFICATION OF BIOLOGICAL SUBSTANCES	Amendment Designator:	
	Effective Date: 14-March-2006	

7. Trainee has participated in at least one pretrial conference.

Date:_____ Training Coordinator:_____

Comments:_____

8. Trainee has read and understands all applicable literature.

Date:_____ Training Coordinator:_____

Comments:_____

9. Trainee has participated in a mock trial and/or a practical or oral examination. Performance was satisfactory.

Date:_____ Training Coordinator:_____

Comments:_____

10. Trainee has successfully completed one formal, comprehensive mock trial as an expert witness.

Date:_____ Training Coordinator:_____

Comments:_____

◆END